

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 8, 1995

SUBJECT: **SB 1303 - HB 1473**

This bill, if enacted, will create in the Department of Health no more than 45 part-time nursing home/care ombudsman positions, one for every seven volunteers in each of the nine development districts of the state, to be paid \$10 per hour for 20 hours per work week. The ombudsman positions are to investigate complaints by patients/family members relative to patient care and other violations and to mediate such complaints. The department is to develop a training program for the ombudsmen and volunteers, and to promulgate rules concerning the requirements each person must meet. The bill also requires any fee assessed for training or application for nurse aides by nursing homes be reduced by 50% and forbids any nursing home from hiring anyone on the abuse registry. This bill increases the minimum amounts of civil monetary penalties issued to nursing homes from \$1,500 to \$1,600 for Type A penalties, from \$500 to \$600 for Type B penalties and from \$250 to \$300 for Type C penalties.

The fiscal impact from enactment of this bill is estimated to be a recurring increase in state expenditures of an amount in excess of \$500,000 for salaries and related expenses.

Enactment of this bill is also estimated to result in an increase in state revenues from the collection of additional penalties, but such increase is estimated to be insignificant.

The Commission on Aging receives \$2 million in federal funds for ombudsman activities. Federal regulations mandate that ombudsman activities performed under this grant must be completely independent of the state nursing home regulatory authority which is the Board for Licensing Health Care Facilities. This bill seems to compromise that provision by requiring the volunteers to apply and be approved by the Board prior to acting as a volunteer.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director